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National Committee for Constructive...

Our immigration and naturalization laws

New York

[1919?]

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REVISED EDITION

Our Immigration and Naturalization Laws

AMENDMENTS URGENTLY NEEDED

To Protect American Standards of Labor
To Safeguard Our National Institutions
To Put Right Our Relations with Asia

Now that the war has been won, the closely interrelated problems of unemployment, of consequent labor unrest and of immigration are becoming acute. Our present immigration laws are wholly unfit to meet the new situation. They are not right in principle. The proper restriction of immigration, the distribution, employment and protection of immigrants, the raising of standards for naturalization and the education of all resident aliens for citizenship, are matters requiring immediate legislation.

If Bolshevist doctrines are not to find wide acceptance in America, resulting in violent efforts to establish Soviet government, we must find prompt and effective solutions of these problems.

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NATIONAL COMMITTEE
for
CONSTRUCTIVE IMMIGRATION LEGISLATION
105 East 22d Street, New York

NATIONAL COMMITTEE

for

Constructive Immigration Legislation

A NATIONAL PROGRAM FOR THE REGULATION OF IMMIGRATION AND THE AMERICANIZATION OF IMMIGRANTS

Among the most pressing questions before the United States is that of immigration.

A wise regulation of immigration will have most important bearings on the conservation of living standards and on unemployment, unrest and class conflict, conditions which provide the fertile soil for the propagation of Bolshevism. Prompt action is necessary. But action in blind haste is not the action needed. America has not yet brought statesmanship to bear on her immigration problem. Prompt action is needed, but this action must have a fact basis, must be guided by clearly understood principles, and its results must be understood in advance. Otherwise it might be better not to act at all.

The National Committee for Constructive Immigration Legislation has for five years studied the problem of immigration, in its domestic and international bearings. Its principles, stated with detail, have received the endorsement of one thousand men and women from all walks of life in all sections of America. Proposed amendments to the immigration and naturalization laws have now been drafted with the aid of persons experienced in legislation, in statistics, in labor questions and in international law.

The amendments provide for the following main objects:

1. The regulation of all immigration on a percentage principle, with the application of this principle to each people or mother-tongue group separately but impartially.

2. The annual admission of from three to ten per cent of those of each people already naturalized, including the American-born children of that people as recorded in the Census of 1920.

3. The creation of an Immigration Commission to determine annually the rate within the specified limits, with power to admit or exclude labor under exceptional circumstances, to formulate plans for the distribution of immigration, and to deal with other specified and exceptional matters of importance, including the formulation of educational standards for naturalization.

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4. The raising of the standards of qualifications for citizenship and the extension of the privileges of naturalization to every one who qualifies.

5. The separation of the citizenship of a wife from that of her husband.

6. The repeal of all laws dealing specifically and differentially with the Chinese.

The proposed amendments will secure many important results. The regulation of immigration proposed will permit more immigration from Northwest Europe than will be likely to come. It will hold immigration from South, East and North Europe to definite and manageable proportions, regulating it according to our needs as determined by an Immigration Commission. It will thoroughly and permanently protect the Pacific Coast States from all dangers of immigration from Asia. And yet at the same time it recognizes the just claim of Asiatics to receive such courtesy and dignity of treatment as we give to every other race and people, and which treatment our treaties pledge us to give. Our laws will be freed from differential and humiliating race legislation.

Important Specifications:

1. **The proposed law will admit as immigrants from each people only so many as we can hope to Americanize**—because it will allow an annual immigration of new-comers only in proportion to those of that people who have already become American citizens.

2. It will provide a **competent Commission** to deal continuously with the ever-changing problems of immigration as they arise, with power to adjust the percentage rate from year to year and to deal with special exigencies of labor and of human needs, and for the first time in the history of the immigration question to investigate thoroughly and comprehensively the basic problem of the distribution of immigration.

3. It will **protect American labor** from dangers of unregulated immigration, help maintain American economic, social and hygienic labor standards and tend thus to remove the present widespread industrial and social discontent.

4. It will tend to **stabilize business** by preventing extreme fluctuations of available labor which result in over-production and then in stagnation of business with unemployment of labor, causing incalculable suffering, anxiety and loss, and increasingly ominous unrest.

5. It will **raise the standards of naturalization**, promote more intelligent practice of citizenship and secure a higher **efficiency** for our democracy.

6. It will **prevent a sudden large influx from any new people** having few, if any, representatives already among us, and restrain immigration from peoples that do not readily assimilate with our people; yet at the same time it will increasingly open the doors to those who do assimilate.

7. It will prevent large numbers of uneducated and wholly **unqualified foreign-born** women from voting merely because their husbands may have become naturalized citizens. It will require such women personally to qualify for citizenship if they desire to have the privilege of citizens.

8. It will **give privileges of citizenship to every individual who will properly qualify for the same.** This provision will remove in a fundamental way the cause of Japanese irritation and indignation. We give citizenship to many non-Caucassians such as Tartars, Finns and Hungarians; Turks, Syrians, Persians and Hindus; Mexicans and South Americans; Zulus, Hottentots, Kaffirs and men from any tribe in Africa; but we deny it to Japanese and Chinese. This is why both Japanese and Chinese regard our naturalization laws as ignominious and humiliating.

The proposed bill will **remove from our laws this humiliation, which is increasingly resented not only by Asiatics in this land but also by their peoples in Asia.** Yet in doing away with our differential treatment of Asiatics no danger will be incurred of large immigration from Asia. On a five per cent rate the permissible immigration of Chinese and Japanese would be for many years smaller than that which now comes yearly.

9. It will **harmonize America's policy with her treaty obligations to China, which obligations are violated by our present special Chinese Legislation.**

(a) The treaty of 1880 says, "the Government of the United States may regulate, limit or suspend the coming or residence of Chinese laborers, but may not absolutely prohibit it." In 1904 Congress, nevertheless, enacted a law that "all laws regulating, suspending or prohibiting the coming of Chinese persons are hereby re-enacted, extended and continued without modification, limitation or condition."

(b) The treaty furthermore says, that "Chinese in the United States . . . shall be accorded all the rights, privileges, immunities and exemptions which are accorded to citizens and subjects of the most favored nation." Beginning, however, in 1882, Congress has passed a dozen laws dealing differentially with the Chinese, all in marked conflict with this requirement of the treaty. In 1888 the Supreme Court of the United States declared that the Scott Act of that year was "in contravention of the treaty of 1868 and of the supplemental treaty of 1880. But it is not on that account invalid. . . . This court is not a

censor of the morals of the other departments of the government." That law, however, is still in force, as well as all the others establishing differential treatment.

By voluntarily **setting right our relations with Chinese and Japanese** we will secure among them those feelings of goodwill for and confidence in us that are essential not only to successful commercial relations but also to permanent international peace. If we wish in the decades ahead to forestall the much discussed and widely expected conflict of the white and yellow races for the domination of the world, we must begin now to put into practice the universal and inescapable principles of justice, fair-dealing and brotherhood.

The time has surely come to repeal our treaty-breaking laws and to apply the golden rule and the plain principles of international honor to our dealings with the Chinese.

Every American citizen who approves these principles and will aid in securing the enactment of this bill is invited to become a member of the National Committee for Constructive Immigration Legislation.

Contributions, small and large, are urgently needed for carrying on nation-wide education in the principles and program of this movement.

SIDNEY L. GULICK, Secretary,
ALBERT G. LAWSON, Acting Treasurer,
105 East 22nd Street, New York City.

PRELIMINARY DRAFT

A Bill to Regulate Immigration, to Promote Assimilation, and to Modify the Requirements for the Acquisition of Citizenship by Naturalization.

(The following proposed bill will be introduced in Congress in the form of amendments to various existing laws: the immigration act of February 5, 1917; the naturalization laws as of May 15, 1918; and the Chinese exclusion laws. The immigration act alone fills twenty-eight pages. These various laws are not reprinted here.

The immigration act of February 5, 1917, would remain in substance unchanged, except as indicated in Section 9, all of its safeguards, including the literacy test, being incorporated in the new law which would contain the new features here proposed. The naturalization laws would be changed as indicated in Section 6 below.

Sec. 1. (a) Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Bureau of Immigration and the Bureau of Naturalization of the Department of Labor shall carry out the provisions of this act in all matters not herein otherwise specifically provided for, and that the Secretary of Labor shall have authority to make such distribution of duties and functions between the bureaus named as shall in his judgment be expedient for the proper execution of this act.

(b) That an Immigration Commission be created, consisting of the Secretary of Labor, Secretary of Commerce and a third person to be named by the President.

Sec. 2. (a) That this Act shall go into effect sixty days after its enactment.

(b) That until the statistical data of the Census of 1920 are available, the Immigration Commission shall determine the permissible annual immigration for each people or mother-tongue group, so far as possible, from the Census of 1910, according to the principles and procedure defined in Sec. 3 (a), (b) and (c).

(c) That in the case of peoples such as the newly formed states of Central Europe, for which the Census of 1910 and the reports of the Commissioner of Naturalization do not furnish adequate data, the Immigration Commission shall be authorized to make such estimates as are practicable on the basis of existing data, and to use the same in fixing the permissible immigration.

(d) That the permissible immigration for any people for the fraction of the year between the passage of this Act and the

end of the fiscal year (June 30) shall be one, two or three-quarters of the total permissible immigration of that people according to the date at which this Act goes into effect.

Sec. 3. (a) That as soon as the results of the Census of 1920 are available the number of alien persons belonging to a given people or mother-tongue group who may be admitted to the United States, including Alaska, Hawaii and Porto Rico, during any one fiscal year, shall be determined by the Immigration Commission, according to the following general rule.

The admissible number shall not be less than three nor more than ten per cent* of a basic figure, to be composed of:

A. The number of American-born children of that people or mother-tongue group as recorded in the United States census of 1920, plus

B. The number of naturalized aliens of that people or mother-tongue group as recorded in the last available census, and also plus

C. The number of aliens of that people or mother-tongue group naturalized since that census, as reported by the Chief of the Bureau of Naturalization.

The Chief of the Bureau of Naturalization shall prepare annually the data needed for this computation, on the request of the Immigration Commission.

If the basic figure for any people or mother-tongue group shall be found to be less than twenty thousand, the number admissible each year of that people or mother-tongue group shall be one thousand.

The term "people or mother-tongue group" shall be defined and interpreted by the Immigration Commission. The Immigration Commission shall have power for the purpose of enforcing this statute, to classify as a single people, all the citizens of a given nation or all persons living within a given geographical area or any race or mother-tongue group.† Where such a classification is applied to a group which contains among its members persons speaking different mother-tongues, the Commission shall deduct from the total permissible immigration of those classified by a given mother-tongue classification, the number speaking that mother-tongue which has been made eligible for admission by virtue of citizenship in a nation or residence in a specified geographical area; and the number of arriving immigrants of a given mother-tongue, citizens of such a nation or native to such a geographical area, shall not be taken into ac-

*If a higher maximum and minimum rate were desired, this phrase could be made to read "not less than five nor more than fifteen per cent."

† Czecho-Slovakia, Poland, etc., thus meeting the new conditions developing in Central Europe.

count in determining whether the admissible immigration from that mother-tongue group has been admitted in the given year.*

(b) That women coming to join their husbands, who arrive after the permissible number of immigrants from their race or people has been admitted, shall be admitted, but the number of such admissions shall be the first charge against the permissible immigration of the following year.

(c) That in addition to those aliens admitted on the percentage basis the following classes of aliens shall also be admitted outside of the percentage figure, provided they are otherwise qualified for admission.

Accredited officials of foreign governments, members of their families, their servants and employees, travelers for health, pleasure or curiosity, transient business or professional men to remain in the United States less than one year, students provided with their own funds or guaranteed support by their own governments or by institutions or friends in the United States, ministers or religious teachers, missionaries, teachers, authors, professional artists, their legai wives or their children under sixteen years of age, who accompany them, singers or actors, and aliens employed strictly as personal or domestic servants accompanying their employers.

Children under fourteen years of age accompanying or coming to join a parent or grandparent.

Aliens in continuous transit through the United States, aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory.

Aliens who have taken out their first papers and have passed certain tests prescribed by and carried out under the supervision of the Immigration Commission.

Citizens of Canada.

All aliens who shall prove to the satisfaction of the proper immigration officers or to the Commissioner General of Immigration that they are seeking admission to the United States

*This wording, which is rather puzzling yet technically necessary, is aimed to insure (a) that a naturalized immigrant would not be counted twice, in arriving at the basic figures of permissible immigration, and (b) that an arriving immigrant would be charged only against the permissible immigration from his own group. For example, if Switzerland were construed as being a "people," (a) the number of German-speaking naturalized Swiss immigrants in the United States would be deducted from the total of naturalized immigrants of the German mother-tongue group, and would be credited to the Swiss group; and (b) the German-speaking Swiss immigrants entering the United States in a given year would be counted against the permissible Swiss immigration of that year, not against the immigration from the German mother-tongue group.

to avoid religious persecution in the country of their last permanent residence.

(d) That aliens who are admitted outside of the percentage rate on the ground that they are students shall not be regarded as having lost that status by reason of having entered temporarily on some gainful occupation, provided, however, that they maintain regular attendance on a High School, College or University, the nature of the schools to be specifically defined by the Immigration Commission.

Sec. 4. (a) That the Commissioner General of Immigration shall issue a monthly statement showing the maximum number of aliens of each people or mother-tongue group who may be admitted to the United States during the current fiscal year, together with the number already admitted, but when seventy-five per cent of such maximum number of aliens of any people or mother-tongue group has been admitted, like statements relative to such nationality shall be issued weekly thereafter. He shall send such reports promptly to the American Consul in all ports from which aliens commonly sail for the United States. When the permissible number of aliens of any people or mother-tongue group shall have been admitted, all other aliens of such people or mother-tongue group who may apply for admission during the same fiscal year shall be excluded, except that otherwise admissible aliens as provided in Sec. 3 (b) and (c) shall be admitted.

Sec. 5. (a) That the Immigration Commission shall each year determine the percentage rate as provided for in Sec. 3 (a) above for the following fiscal year. In determining that rate it shall have regard to the labor conditions in the United States and to the maintenance of the American standards of living and wages; and shall make such regulations as shall prevent congestion of immigration at any period of the year, promote the convenience of transportation companies, and avoid hardships to the immigrants.

(b) That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed cannot be found in this country. The question of the necessity of importing such skilled labor in any particular instance shall be determined by the Immigration Commission upon the application of any person interested, such application to be made before such importation, and such determination by the Immigration Commission to be reached after a full hearing and an investigation into the facts of the case.

(c) That the Immigration Commission, immediately upon its organization, shall institute a comprehensive inquiry into policies and methods of the distribution of immigration; that the Immigration Commission shall publish the results of the

investigation in full, not later than two years from the beginning of the inquiry; that the Immigration Commission be empowered to carry on all further educational work necessary to bring the approved results of the investigation effectively before the public.

(d) That the Immigration Commission shall also perform the duties assigned in Sec. 3 (a) and (d).

(e) That the Immigration Commission shall be the final judge as to fact and as to the interpretation of the law, in all cases of doubt about individual immigrants, arising under the terms of Section 2 and Section 3 (a), (b), (c) and (d), and Section 6 (a).

Sec. 6. (a) That the Act of June 29, 1906, Section 4, Paragraph 4, be amended by the addition of the following words after the words "happiness of the same" on the eighth line*: "and also that he has passed certain tests prescribed by and carried out under the supervision of the Immigration Commission in (1) reading and speaking the English language, (2) in the principles of personal and public hygiene, (3) in the history of the American people, (4) in the methods and ideals of the Government of the United States, and (5) in the rights and duties of citizens."

(b) That the Act of June 29, 1906, Section 4, Paragraph 4, be amended by inserting the following words after the words "The name, place of residence, and occupation of each witness shall be set forth in the record"; "The witnesses of the petitioner shall not be required to appear in court unless the Judge or the Naturalization Examiner deem it necessary."

(c) That the Act of June 29, 1906, Section 10, shall be amended by inserting the following words after the words "he may establish by two witnesses"; "Or by the depositions of two witnesses."

(d) That the Act of June 29, 1906, Section 4, last paragraph, be amended by striking out the words "At the time of filing his petition" and substituting the words "Before the date set for the hearing of the petitioner."

(e) That the Act of Feb., 1875, amending the Act of July 14, 1870, be amended by substituting for the words, "The provisions of this title apply to aliens being free white persons; and to aliens of African nativity and to persons of African descent," the following words: "The privilege of citizenship by naturalization is open to every alien who fulfills all the intellectual and moral requirements of the law specified in paragraph (a) above, and also the requirements, technical and moral, specified in the Act of June 26, 1906, and its later amendments."

*Section 4 of the Naturalization Act of June 29, 1906, consists of six long paragraphs giving a detailed procedure for naturalization and requiring certificates of character and an expressed loyalty to the Government and the Constitution on the part of applicants. The new paragraphs here proposed are additions to the Naturalization Act, raising the standards in the ways indicated and removing certain defects of procedure which entail a needless and meaningless hardship on the applicant for naturalization and on his witnesses.

Sec. 7. That all acts and parts of acts relating to the exclusion of Chinese from and of special treatment of Chinese in the United States, including Alaska, Hawaii and Porto Rico, shall be and the same are hereby repealed; namely, the acts of

July 5, 1884, September 13, 1888, May 5, 1892,
November 3, 1893, July 7, 1898, April 30, 1900,
June 6, 1900, March 3, 1901, April 29, 1902,
February 20, 1907, August 24, 1912, June 13, 1913,

and all amendments to the same.

Sec. 8. That the clause of Section 3 of the Act of February 5, 1917, establishing specified geographical zones the natives from which are excluded, is hereby repealed.

Also the clause of Section 3 of the Act of February 5, 1917, which provides that "no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States" is hereby repealed.

Sec. 9. That the Act of March 2, 1907, be amended by striking out Sections 3 and 4 and by substituting therefor the words: "The citizenship of a wife is hereby declared to be independent of that of her husband, male and female aliens being required to qualify for naturalization independently. If a female citizen of the United States shall marry an alien, she shall not forfeit her United States citizenship. If a female alien shall marry a citizen of the United States, she shall not thereby acquire the status of a citizen of the United States, but shall be required to qualify for naturalization in accordance with the provisions of the law.

Sec. 10. That this act shall be in full force and effect on and from the.....day of.....of the year 1919, A. D.

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END OF
TITLE